

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION**

**ZACHERY T. BROWN and
LORETTA COLE**

PLAINTIFFS

v.

Case No. 07-2006

**ASSOCIATES HEALTH AND WELFARE PLAN
and WAL-MART STORES, INC.**

DEFENDANTS

AMENDED JUDGMENT

For the reasons set forth in the Memorandum Opinion and Order, filed on August 16, 2007 (Doc. 47), Plaintiffs' Motion for Summary Judgment (Doc. 16) is GRANTED IN PART AND DENIED IN PART, Plaintiffs' Motion to Dismiss Counter-Claim (Doc. 31) is DENIED AS MOOT, and Defendants' Motion for Summary Judgment (Doc. 11) is GRANTED. Accordingly, the portion of Plaintiff's Complaint seeking a declaratory judgment in paragraph XIII(4) is GRANTED. The remainder of the Complaint is DISMISSED WITH PREJUDICE. Each party shall bear its own costs and fees.

The parties have thirty days from the date of entry of Judgment within which to appeal.

IT IS SO ORDERED this 29th day of August, 2007.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge